

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1

THE UNITED STATES OF AMERICA, et al.

Prosecutors

- AGAINST -

ARAKI, Sadao, et al.

Defendants

APPLICATION FOR PERMISSION TO FILE AND
SERVE EXCERPTS INSTEAD OF ENTIRE DOCUMENTS

Now come the above mentioned Prosecutors and request this Honorable Tribunal to waive the requirements of Rule 6 b(1) of the "Rules of Procedure of the International Military Tribunal for the Far East," requiring the service of a large number of complete documents upon the Opposition, and to permit the Prosecution to introduce in evidence and serve upon attorneys for the Accused copies of excerpts only (in both Japanese and English) from the following named documents for the reasons hereinafter stated:

1. Exhibit 58, Basic Document entitled, "Papers Relating to the Foreign Relations of the United States-Japan, 1931-1941 (in two volumes)."

This document consists of two volumes containing 1922 pages of miscellaneous telegrams and reports to and from the State Department of the United States, and each telegram or report is a separate and distinct document in itself, frequently unrelated to the other telegrams and reports. There are not sufficient copies available to comply with the present rule, and it is doubtful that they can be obtained. This Section of the Prosecution plans to introduce only approximately four pages in Volume 1.

2. IPS Document No. 2007, being Volume 7 of a 67-volume set containing 13,708 pages, entitled "Report of Proceedings of the Hearing Held Before the Joint Committee on the Investigation of the Pearl Harbor Attack" is written in English.

This document is a typewritten transcript of the proceedings before the Investigating Committee and additional copies are not available anywhere at this time. Volume 7 contains 190 pages and this Section of the Prosecution plans to introduce only approximately five pages.

3. IPS Document No. 490, book by HASHIMOTO, Kingoro, entitled "The Road to the Reconstruction of the World" containing 237 pages is printed in Japanese.

There is only one copy of this book available to the Prosecution and less than three pages will be introduced in evidence. They will be offered to show that HASHIMOTO claimed that in 1930 he planned Japan's course of aggression.

4. IPS Document No. 1632, commonly known as "Kido's Diary", is the original diary kept by KIDO, Koichi, and consists of 5425 pages.

Being an original handwritten document, only the original is available. One photostatic copy has been made, and in doing that, all the available photostat paper in Japan was used. This Section of the Prosecution wishes to introduce only 18 excerpts averaging approximately one page each.

5. IPS Document No. 485, book by MATSUOKA, Yoshuke, entitled "Changing Manchuria and Mongolia", published in July 1931, containing approximately 250 pages, is printed in Japanese.

There is only one copy of this book available to the Prosecution, and this Section plans to introduce less than two pages.

6. IPS Document No. 2135, is a bound volume of issues of the Japan Times for July and August, 1931. This document is printed in English and contains all the issues of this newspaper for a two-months' period.

This Section plans to introduce only one news item from one issue of this volume.

7. IPS Document 1777. This is a Japanese Year Book for 1937 printed in English, containing 1230 pages.

This is the only copy available to the Prosecution, and this Section plans to introduce only two paragraphs from this book.

This petition is presented for, and in behalf of, that Section of the Prosecution staff presenting the phase of the case known as "Manchurian Aggression" and is the next section scheduled to appear before the Tribunal to present its proof.

Your petitioners respectfully submit that this procedure is in no way prejudicial to the Accused, as each Defendant is represented by able Counsel, many of whom read and speak both the Japanese and English languages, and most of the Accused are represented by both a Japanese and an English speaking attorney.

Many thousands of pages of the documents to be introduced by this Section and covered by this petition will never be used by either the Prosecution or the Defense and their reproduction or translations would require a needless and inexcusable expenditure of time and money.

Your petitioners, therefore, pray for the granting of this petition, or for such other or further relief as shall seem just and proper to this Honorable Tribunal.

Respectfully submitted,

For the Chief of Counsel

Dated: June 27, 1946